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09/995,028	11/26/2001	Chandrasekharan Seetharaman	BEA920010028US1	9618

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EXAMINER
SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/995,028	SEETHARAMAN ET AL.
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 April 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-8,12-14,17,18 and 20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-8,12-14 and 17* is/are rejected.

7)☒ Claim(s) *18 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 13 June 2007 ("Remarks") have been fully considered. They are persuasive in regards to claims 1, 14, 18 and their dependent claims. But they are not persuasive in regards to claim 8 and its dependent claims.

Applicant argues that claim 8 has been amended to include "a comparison of the node identifier of <u>a requesting node</u> with the node identifier field in the storage label" (emphasis added) [see the second page of Remarks]. The examiner disagrees because claim 8 instead recites "an access manager ... to compare said node identifier of <u>said storage media</u> with a hardware identifier of said label" (emphasis added).

Claim Objections

Claims 18 and 20 are objected to because of a minor informality. Claim 18 recites the word "access" in line 1, which should presumably be "access<u>ing</u>." Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5-7, 12-14, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner will treat these claims on the merits as best understood.

Claim 1 recites the limitation "said node identifier of said requesting node" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said node identifier of said requesting node" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 is an apparatus claim that recites lists the step of "access to said storage media by said requesting node based upon said match" as an element. The examiner does not see how a method step can be an element of an apparatus. The examiner's best understanding is that applicant meant to claim "said manager to allow access to said storage media based upon said match."

Claim 12 depends from claim 10, but claim 10 has been cancelled.

Claim 12 recites the limitation "said cluster identifier of said requesting node" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 depends from claim 10, but claim 10 has been cancelled.

Claim 14 recites the limitation "said shared storage media" in line 8. It is unclear which shared storage media this limitation refers to because there are multiple shared storage media introduced in lines 4 and 8.

Claim 14 recites the limitation "said node identifier of said requesting node" in lines 13 and 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 is a manufacture claim that recites lists the step of "accessing said storage media by said requesting node based upon said match" as an element. The examiner does not see how a method step can be an element of an article of manufacture. The examiner's best understanding is that applicant meant to claim "means in the medium for providing said requesting node accessing to said storage media by said requesting node based upon said matching."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Imamura (U.S. Patent No. 6,453,369).

As to claim 8, Imamura teaches a computing environment comprising:

two or more nodes (storage device 1, personal computer 2) [see fig. 1]

shared storage media (storage device 1) [see col. 5, ll. 6-13];

said storage media (storage device 1) having a label (security information) and a hard attribute (device identifier) [see col. 5, ll. 6-13 and 58-65];

said label (security information) having a node identifier field (device identifier) [see col. 5, ll. 6-13 and 58-65];

an access manager to read said label (security information) in response to an access request (command) from one of said nodes (personal computer 2), to obtain a hardware identifier (device identifier) from said storage media (storage device 1), and to compare said node identifier (device identifier) of said storage media (storage device 1) with a hardware identifier field (device identifier) in said label (security information) [see fig. 5, col. 5, ll. 24-64, col. 6, ll. 6-11]; and

said manager to allow access of said requesting node (personal computer 2) to said storage media (storage device 1) responsive to a match of a node identifier (device identifier) with said node identifier (device identifier) of said label (security information) [see fig. 5, col. 6, ll. 12-15]; and

access to said storage media (storage device 1) based upon said match [see fig. 5, col. 6, ll. 12-15].

As to claim 12, Imamura teaches that said label (security information) further includes a cluster identifier field (the device identifier identifies storage device 1, which is a cluster, where cluster is a group of one or more nodes) [see col. 5, ll. 6-13].

As to claim 13, Imamura teaches that said label (security information) further comprises an activity data field (any field that indicates that any activity has taken place, such as the device identifier being written, which the device identifier field indicates) and an activity counter field (the device identifier field inherently indicates that the device identifier has been written to the security area at least one time) of said label (security information) [see fig. 5].

Allowable Subject Matter

Claims 18 and 20 would be allowable if rewritten or amended to overcome the objection to claim 18 for a minor informality.

Claims 1, 5-7, 14, and 17 (as best understood) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Imamura's (U.S. Patent No. 6,453,369) personal computer (2) can reasonably be construed as a "requesting node" as set forth in the claims because the personal computer (2) initiates various access commands [see, e.g., Imamura at col. 5, ll. 24-37].

Given this interpretation, Imamura does not teach or fairly suggest: matching or comparing a node identifier of the requesting node (personal computer 2) with the node identifier (device identifier) of the label (security information).

The examiner interprets the term "node" to mean "a computer running a single operating system instance" [Spec. at 4]. Thus, a "node identifier" of the requesting node (personal computer 2) is any field is capable of identifying personal computer 2 to one of ordinary skill in the art.

In the last office action, Imamura was combined with Blumenau (U.S. Patent No. 6,845,395). The position taken was that it would have been obvious to share Imamura's storage device (1) with two or more of Blumenau's nodes (12, 14) over a network [see Office Action mailed 4/27/2007 at page 5]. Blumenau's nodes (12, 14) can reasonably be construed as "requesting nodes" as set forth in the claims because the nodes (12, 14) make access requests to storage media [see, e.g., Blumenau at fig. 1A-C].

Given this interpretation, Imamura and Blumenau do not teach or fairly suggest: matching

or comparing a node identifier of the requesting node (node 12 or 14 taught by Blumenau) with the

node identifier of the label (device identifier in the security information taught by Imamura).

Again, the examiner interprets the term "node" to mean "a computer running a single

operating system instance" [Spec. at 4]. Thus, a "node identifier" of the requesting node (node 12 or

14 taught by Blumenau) is any field is capable of identifying node 12 or 14 to one of ordinary skill in

the art.

The suggested amendments provided below show the examiner's best understanding of

claim 1. Amending claim 1 as provided below would overcome the §112 rejections of claim 1

presented herein.

1.   A method for safely accessing shared storage media in a computer environment having two

or more nodes comprising:

reading a storage media label in response to an access request to storage media <u>by one of</u>

<u>said nodes</u>;

obtaining a hardware identifier from said storage media;

comparing said hardware identifier of said storage media with a hardware identifier field of

said label;

establishing access rights of said nodes to said storage media, the step of establishing access

rights is responsive at least in part to a hard attribute of said shared storage media, and includes

creating said label including said hard attribute, a type field, and a node identifier field;

determining whether to allow access of ~~a~~ <u>said</u> requesting node to said storage media by

matching <u>a</u> ~~said~~ node identifier of said requesting node to said node identifier of said label; and

accessing said storage media by said requesting node according to said access rights.

The suggested amendments provided below show the examiner's best understanding of claim 14. Amending claim 14 as provided below would overcome the §112 rejections of claim 14 presented herein.

14.   An article comprising:

a computer-readable recordable data storage medium;

means in the medium for reading a storage media label in response to an access request to shared storage media;

means in the medium for obtaining a hardware identifier from said storage media;

means in the medium for comparing said hardware identifier of said storage media with a hardware identifier field of said label;

means in the medium for accessing said shared storage media, said shared storage media having a hard attribute including a label having a type field and a node identifier field;

means in the medium for determining whether to allow access of a requesting node to said storage media by matching said a node identifier of said requesting node to said node identifier of said label;

means in the medium for allowing access of said requesting node to said storage media in response to a match of said node identifier of said requesting node with said node identifier of said label; and

means in the medium for providing said requesting node accessing to said storage media by said requesting node based upon said matching.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip S. Scuderi/

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